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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,602	10/09/2001	Leslie G. Christie JR.	10011666-1	7054

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EXAMINER

NEGRON, DANIELL L

ART UNIT

PAPER NUMBER

2651

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/974,602	CHRISTIE, LESLIE G.
	Examiner	Art Unit
	Daniell L. Negron	2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 09 October 2001 .

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-27 is/are rejected.

7) Claim(s) 17 and 18 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Regarding the information disclosure statements (IDS) filed on October 9, 2001 and on June 11, 2003, the submissions are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-8, 10, 12-16, 19-22, and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Takayama Japanese Patent Application Publication No. 2000-268443.

Regarding claim 1, Takayama discloses a write once read many (WORM) tape system comprising a tape cartridge (Figs. 3 and 4, element 1) comprising a length of magnetic tape (Fig 3, element 3) adapted to record and store electronic data (paragraph 14, lines 5-6).

Takayama also discloses a WORM tape system, which comprises an electronic memory device (Fig 3, elements 4 and 104) (paragraphs 15 and 16).

Finally, Takayama also discloses a WORM tape system which comprises a tape drive that receives the tape cartridge and reads the memory device wherein the tape drive is operable only

in a WORM mode in response to information read from the memory device (paragraph 13, lines 3-8 and paragraphs 71 and 72).

Regarding claim 3, Takayama discloses a WORM tape system wherein the tape cartridge only functions in a tape drive capable of recognizing the information read from the memory device to place the drive in the WORM mode (paragraph 10). The tape cartridge disclosed by Takayama is only read by the tape drive when the memory device and the tape can be read by the drive.

Regarding claims 4 and 6, Takayama discloses a WORM tape system wherein the information read from the memory device is a tape cartridge (i.e. cassette) type and comprises nonvolatile electronic memory (paragraph 13, lines 3-8).

Regarding claim 5, Takayama discloses a WORM tape system wherein the tape cartridge type is contained on a manufacturer's information data page of the memory device (paragraph 6, lines 8-16). The memory device disclosed by Takayama comprises multiple areas of data, which identify the type of cartridge and the type of operation allowed to be performed by the tape drive.

Regarding claims 7 and 8, Takayama discloses a WORM tape system wherein the memory device is read only (i.e. EEPROM) (paragraph 21, lines 1-4).

Regarding claim 10, Takayama discloses a write once read many (WORM) magnetic tape with cartridge memory comprising a cartridge (Figs. 3 and 4, element 1).

Takayama also discloses a WORM magnetic tape with cartridge memory wherein a length of magnetic tape is capable of storing electronic data and being operably housed in the cartridge (Fig 3, elements 4 and 104) (paragraph 14, lines 5-6).

Finally, Takayama also discloses a WORM magnetic tape wherein the memory device is capable of being read by selected tape drives and identifies the tape as a WORM tape type (paragraph 13, lines 3-8 and paragraphs 71 and 72). Furthermore, Takayama discloses that flags are stored in the memory to identify whether the tape is to be used as WORM (paragraphs 110-112).

Regarding claims 12-16, claims 12-16 have limitations similar to those treated in the above rejections and are met by the reference as discussed above.

Regarding claim 19, Takayama discloses a method to convert a magnetic tape drive to a write once read many (WORM) tape drive comprising the step of providing a magnetic tape cartridge comprising a memory device (Fig 3, elements 4 and 104) and identifying the tape cartridge as a WORM type tape cartridge (paragraph 13, lines 3-8 and paragraphs 71 and 72).

Takayama also discloses a method to convert a magnetic tape drive to a WORM tape drive comprising the step of receiving the tape cartridge in the magnetic tape drive and reading the WORM tape type from the memory device (paragraph 15).

Finally, Takayama also discloses a method to convert a magnetic tape drive to a WORM tape drive comprising the step of initializing the tape drive in response to the read tape type in a WORM mode (paragraphs 110-112).

Regarding claims 20 and 21, Takayama discloses a method to convert a magnetic tape drive to a WORM tape drive comprising the step of write protecting data written on a tape in the tape cartridge and limiting functions that the tape drive may perform while the tape is in the drive to tape transport, tape reading and writing to blank portions of a tape in the tape cartridge (paragraphs 110-112).

Regarding claims 22, 24-27, method claims 22, 24-27 are drawn to the method of using the corresponding apparatus claimed in claims 3, 5-8. Therefore method claims 22, 24-27 correspond to apparatus claims 3, 5-8 and are rejected for the same reasons of anticipation as used above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 11, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama Japanese Patent Application Publication No. 2000-268443 in view of Morita U.S. Patent No. 5,612,827.

Regarding claim 2, Takayama discloses a write once read many (WORM) magnetic tape system with all the limitations of claims 1 as described above. Takayama however fails to mention ejecting the cartridge in response to the drive being unable to recognize the information from the memory device.

Morita discloses a tape drive wherein identification data is read from the cartridge in order to identify the type (i.e. grade) of the tape being inserted into the drive. In the event that the data read from the cartridge is not recognizable or invalid, the cartridge is ejected from the drive (Figs 3-5 and column 8, line 3 through column 9, line 11).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the magnetic tape system as disclosed by Takayama with the ejection apparatus taught by Morita in order to obtain a magnetic tape system wherein the tape is ejected from the drive if an invalid tape is inserted or if the tape is inserted improperly to prevent damage to the magnetic tape or drive and potential loss of protected data stored on the tape.

Regarding claim 11, claim 11 has limitations similar to those treated in the above rejections and is met by the references as discussed above.

Regarding claim 23, method claim 23 is drawn to the method of using the corresponding apparatus claimed in claim 2. Therefore method claim 23 corresponds to apparatus claim 2 and is rejected for the same reasons of obviousness as used above.

6. Claims 9, 17 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama Japanese Patent Application Publication No. 2000-268443 in view of Amamiya Japanese Patent Application Publication No. 2000-295507.

Regarding claims 9, 17, and 18 Takayama discloses a write once read many (WORM) magnetic tape system with all the limitations of claims 1 as described above. Takayama however fails to mention a tape destruction mechanism operable in response to opening the tape cartridge to render the tape unusable.

Amamiya discloses an electronic device, which contains a mechanism that can destroy a magnetic tape (Fig. 4, element 28) enclosed within in the event that the enclosure of the device is opened. The electronic device disclosed by Amamiya is enclosed by a snap-fitted case (see Fig. 4, elements 18A-B, and 47A-F) and comprises a spring-loaded mechanism (Fig. 10), which comes into contact with the magnetic tape if the case is disassembled (paragraph 51).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the magnetic tape system as disclosed by Takayama with the tape destruction mechanism as taught by Amamiya in order to prevent improper or illegal usage of the magnetic tape if opening of the cartridge is attempted.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniell L. Negrón whose telephone number is 703-305-6985. The examiner can normally be reached on Monday-Friday (8:30-6:00) Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on 703-308-4825. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

DLN   
October 28, 2003



DAVID HUDSPETH  
SUPERVISORY PATENT EXAMINER  
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